

REMARKS

Applicant has carefully reviewed and considered the Office Action mailed on February 27, 2003, and the references cited therewith.

Claims 1, 6, 13, and 18 are amended, no claims are cancelled, and no claims are added. As a result, claims 1-50 remain pending in this application.

**§102 Rejection of the Claims**

Claims 6-12 and 18-24 were rejected under 35 USC §102(e) as being anticipated by Rengarajan et al. (U.S. Patent No. 6,323,103).

Applicant does not admit that Rengarajan is indeed prior art and reserves the right to swear behind this reference at a later date. Nevertheless the Applicant believes that the present invention is distinguishable from the reference for the following reasons.

The rejection from the Office Action mailed 02/27/2003 states that Rengarajan teaches:

Forming a first conductivity type semiconductor well 30 in the first conductivity type well region, removing the first gate dielectric layer 12 in the first conductivity type well region to expose a portion of the first conductivity type semiconductor well, forming a second gate dielectric layer 12' over the exposed portion of the first conductivity type semiconductor well 30 that is adapted for operation with a second conductivity type gate.

Rengarajan appears to show forming a first conductivity type semiconductor well 30 in a wafer 10. The well 30 appears to be formed apart from other wells such as well 11, and separated by shallow trench isolation structures 22. Rengarajan does not show forming a first conductivity type semiconductor well in the first conductivity type well region, **the first conductivity well region being located over a portion of a second conductivity type semiconductor well.**

In contrast, claims 1, 6, 13, and 18 as amended each include forming a first conductivity type semiconductor well in the first conductivity type well region, the first conductivity well region being located over a portion of a second conductivity type semiconductor well. Because the Rengarajan reference does not show every element of Applicant's claims, a 35 USC § 102(e) rejection is not supported. Reconsideration and withdrawal of the rejection is respectfully requested with respect to Applicant's independent claims 1, 6, 13, and 18. Additionally,

reconsideration and withdrawal of the rejection is respectfully requested with respect to the remaining claims as depending on allowable base claims.

**§103 Rejection of the Claims**

Claims 1-5 and 13-17 were rejected under 35 USC §103(a) as being unpatentable over Rengarajan et al. in view of Choi et al. (U.S. Patent No. 5,750,424).

Applicant respectfully submits that the Choi reference does not cure the deficiencies of Rengarajan as asserted under 102(e) arguments above. Because the cited references, either alone or in combination, do not show every element of Applicant's independent claims, a 35 USC § 103(a) rejection is not supported by the references. Reconsideration and withdrawal of the rejection is respectfully requested with respect to Applicant's independent claims 1, 6, 13, and 18. Additionally, reconsideration and withdrawal of the rejection is respectfully requested with respect to the remaining claims that depend therefrom as depending on allowable base claims.

PRELIMINARY AMENDMENT

Serial Number: 09/808261

Filing Date: March 14, 2001

Title: METHOD TO FABRICATE SURFACE P-CHANNEL CMOS

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CONCLUSION

Applicant respectfully submits that the claims are in condition for allowance and notification to that effect is earnestly requested. The Examiner is invited to telephone Applicant's attorney at (612) 373-6944 to facilitate prosecution of this application.

If necessary, please charge any additional fees or credit overpayment to Deposit Account No. 19-0743.

Respectfully Submitted,

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CERTIFICATE UNDER 37 CFR § 1.8: The undersigned hereby certifies that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail, in an envelop addressed to: Mail Stop RCE, Commissioner for Patents, P.O.Box 1450, Alexandria, VA 22313-1450, on this 26th day of June 2003

Name Amy Moriarty Signature 